'Alice' revives the female film role, p. 7

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Osceola

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Checking up on bad checks

by Carl Baab and Kathy Edwards

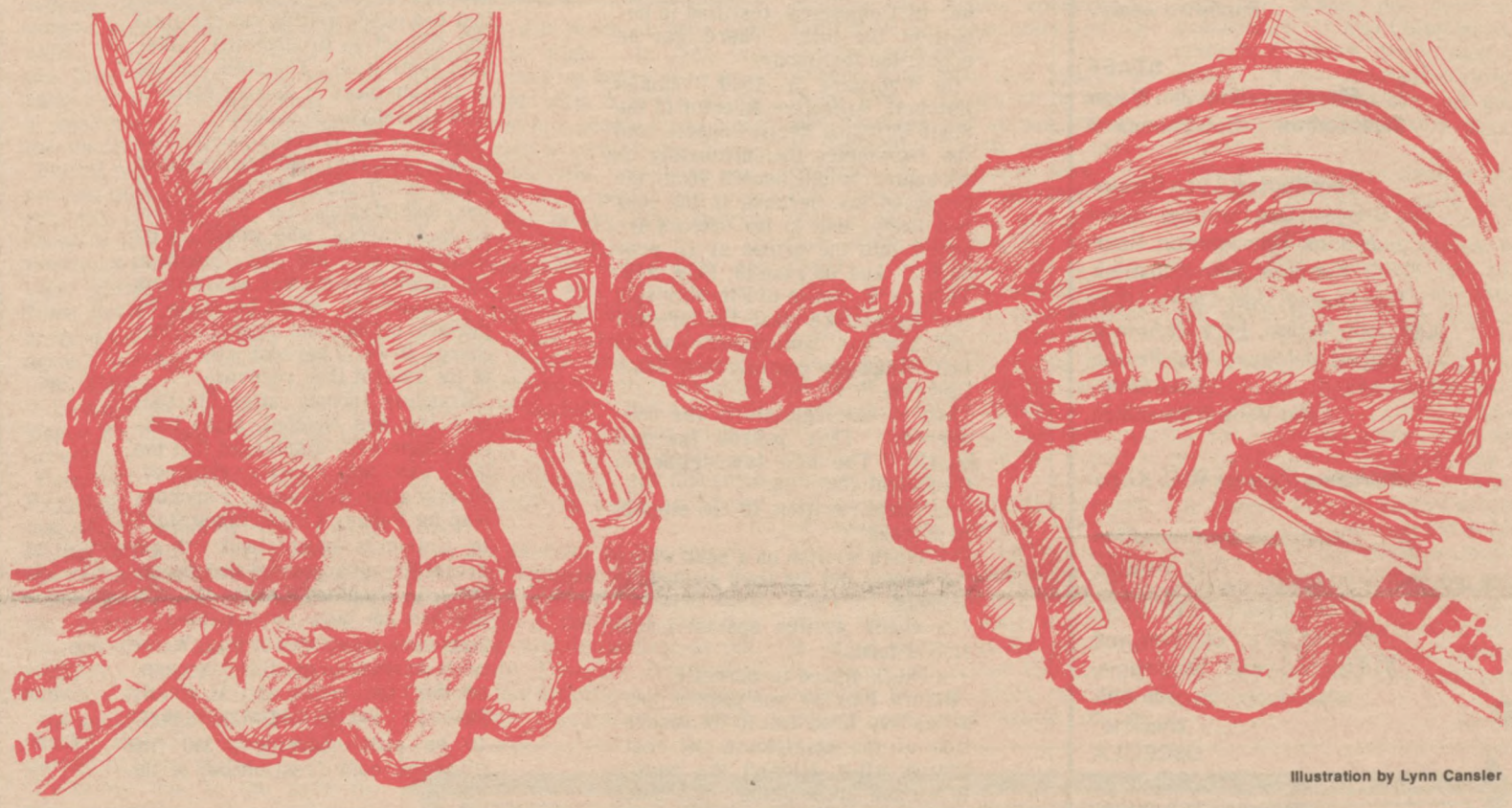

Illustration by Lynn Cansler

It's eight o'clock on an average evening. The well-dressed, prosperous looking man swivels nervously in his chair and fiddles with some papers on his desk, getting everything in order. A pair of hard-nosed employees scurry in, and the three plan the night's agenda.

"All right," grunts the boss. "John Smith's the first one tonight. Go over there and give him the word. If he doesn't come up with the money in three hours, you know what to do with him." The hired toughs depart on the first of several excursions that will keep them busy until the late morning hours.

The description may sound straight out of **The Godfather**, but it's a lot closer to home than that. In fact, you could pick a number of magistrates' offices in South Carolina on any given night, and chances are you might find just such a situation. Less dramatic, perhaps, but nonetheless similar.

The business of collecting "bad checks" isn't a pretty business, and someone has to do it. But many people around the state who have had a check bounce at one time or another -- especially if they live in Richland County -- are coming to the conclusion that there must be a better way of collecting the money. Citizens are being rudely awakened at odd hours of the night to find they must come up with large sums of money or be carted off to jail. And to add insult to injury, **Osceola** has learned, a number of magistrates are making nice fat profits off of the misery of luckless check bouncers.

From a number of sources, we've learned that Richland County has one of the worst situations in the state. One former Columbia magistrate has already been forced out of office for abuse of his official powers; apparently one of those abuses involved using improper procedures in bad check cases. And the present Columbia magistrate, Franchot A. Brown, is reportedly charging excessive collection fees and thereby adding considerably to his personal earnings, according to our sources.

> Citizens are being rudely awakened at odd hours of the night to find they must come up with large sums of money or be carted off to jail.

It had been another wearying day at work when Nan stopped by the Russels' to pick up the kids. Another long evening loomed ahead as she waited for her husband, Richard, to return from his second shift job. He would not be home until past midnight. It was 8:30 that evening when the police came to Nan's door.

They were nice. They were polite. They were well dressed. But for all their diplomatic chat, nothing could conceal the fact that she was being given an ultimatum -- either come up with $140 cash tonight or go to jail. The officers said they would be back in three hours. And Mike, Nan's six-year-old boy, turned to his younger brother and said, "Ricky, I think Mommy's in trouble."

And in fact, Mommy was in trouble. At 8:45 in the evening she didn't know where to get $140 in cash. If only there had been some warning. But there hadn't been. Well, that's not exactly correct. There had been a warning the year before when the check was written. She had written the check to one of those firms that specializes in throwing parties and having their wares sold at the same. In fact, she was working for this firm in order to help bring the family out of debt when she wrote them the check to cover the cost of wares she had purchased to sell.

But that was all so long ago. She knew her check to them had bounced, but she had been given the impression by one of her supervisors that the matter would be taken care of.

In a panic after she couldn't reach her husband at work, Nan began calling friends. Luckily, between friends and a Columbia lawyer she got the money. And just in time. But when a friend delivered the cash to her, only minutes before the constables returned, it wasn't enough money. On the first visit earlier that night the constable had said she would need only the amount necessary to cover the value of the bad check. However, now they were requiring an additional $20 to cover the magistrate and collection fees. Lucky again, another friend happened to have $20 and this amount was turned over to the constables.

Nan has had plenty of company. A local attorney had a check bounce after he filed a stop payment order on a check that had not been cashed seven weeks after issuance. But after only a few days he received a summons from former Columbia City Magistrate Ken Love. The summons came by mail, and the attorney thought it did not constitute a lawful summons. So, the attorney ventured down to Love's office to get the thing cleared up. When he mentioned that the summons was not legal, Love turned to one of his constables and said, "Charley, show him how legal it is." The attorney recounts that he was then handcuffed and taken to the Richland County jail without further ado.

Nan had been luckier than the attorney -- jail had been avoided. But at what cost? Police knocking at her door in the night and demanding either cash on the line or a trip to the proverbial jailhouse. And meanwhile, Columbia's law-abiding citizenry slept peacefully through the night, secure in the knowledge that law and order was being ably enforced through whatever means required.

And the means that some local officials use are indeed interesting. **Osceola's** investigations into Richland County enforcement of the bad check law produced some bizarre stories about how and when the checks are collected. The investigation also revealed that many technical details of the law are cast aside by magistrates in their effort to make sure that local businessmen don't lose on a bad check.

One of the requirements of the law is that the complainant present a copy of a letter notifying the writer of the check that the check failed to clear the bank. This must be presented to the magistrate before a warrant can be issued. But one local magistrate told us that he didn't necessarily follow this procedure if the complainant gave his word that the required notification had been sent.

Osceola's investigation further showed that magistrate's constables often fail or refuse to give a receipt to the person who has just paid back the cost of the bounced check plus fees. Such was the case with Nan. She was refused a receipt for both the amount of the check and the fees.

It was also discovered that Columbia magistrate Franchot Brown is apparently charging collection fees in excess of what is allowed by law. The laws concerning what the Columbia magistrate may charge are somewhat vague, but several lawyers consulted by **Osceola** said that $10 per check would be the maximum. However, Brown regularly charges from $15 to $20 to collect bad checks for Richland County.

Brown, as head of the Richland County Check Clearing House, handles about 80 percent of bad check cases in the county, observers say. For each bad check he collects, Brown must pay $5 to the county treasurer and $2.50 to the constable handling the collection. Thus, by adding anywhere from $5 to $10 extra on each bad check, Brown is increasing his magistrate's fee per check to three to five times what it should be.

When we asked to see complete records of where the money was

(Continued on page 2)

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"Freedom of the press is guaranteed only to those who own one."
—press critic A.J. Liebling

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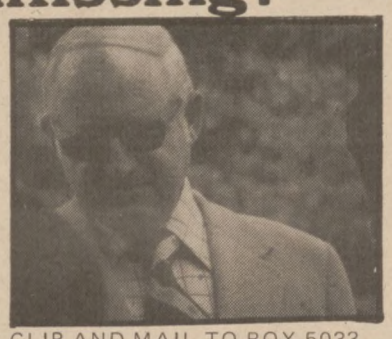

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Checking up on bad checks

(Continued from page 1)

going, Brown and his staff either denied they kept such data or told us the records were not available for inspection at the time.

Yet the biggest single problem in a system of apparent widespread abuse is that businesses, with the tacit approval of local magistrates, are using a criminal law to collect civil debts -- an act implicitly considered by the law to be wrong and in some cases liable to criminal prosecution.

The bad check law now in effect throughout the state was passed by the General Assembly and signed into law on March 18, 1970. The business establishment throughout South Carolina wanted it. On February 19, 1970, the legislature heard testimony concerning the proposed law. Five firms headed by the South Carolina Retail Council and the State Chamber of Commerce, testified in behalf of the bill. There was no opposition testimony.

On February 9, 1969, James Hatchell, executive director of the South Carolina Retail Council, told the legislature that ultimately the consumer would benefit from the proposed law because in the long run losses due to bad checks are added into the prices of all products. And on June 18, 1969, Rep. Thomas E. Smith of Florence told the legislature that the present (old) law was "antiquated" and one that "impedes commerce in South Carolina."

And so the legislature was conquered. They passed the bill easily. The new law defined a fraudulent check as:

--a check written in an attempt to defraud.

--a check written on a bank where the writer did not have a checking account.

--a check written against insufficient funds.

--a check signed incorrectly.

Before this law was passed, penalties had been left to the discretion of the magistrate and restitution often allowed the person to escape prosecution. But under the new law if the amount of the check is less than $100 the law provides penalties of a fine of $50 to $100 for a first conviction, $100 or 30 days in jail for a second conviction and automatic imprisonment for 30 days for the third conviction. If the amount of the bad check is more than $100 the case is tried in general sessions court and may bring up to $2000 in fines and ten years in prison.

Additionally, the law specifically said that repayment of the check may not be used as a defense, but may be considered in mitigation of the sentence. The law requires that all cases be tried in either the magistrate's or general sessions court. And once criminal charges have been initiated, the entire process must be followed through.

Another provision of the 1970 law is protection against bookkeeping errors. A 10-day waiting period after a check bounces is required before legal proceedings can be initiated. The check writer must be notified and if no attempt at restitution is made, a presumption of fraudulent intent is established under the law.

This was the law that the South Carolina General Assembly gave to its constituents, and on its face, it seemed apparent that the legislature interpreted their constituency to be mainly composed of businessmen who were upset at the prospect of bad check writers only having to repay a worthless check plus a small fine. The new law seemed to make it clear that bad check writing was criminal and subject to prosecution rather than restitution. The state was not in the business of making collections at taxpayers' expense.

But after the law became effective it was realized that businessmen might suffer under the new law. If the magistrates did not collect on bad checks, who would do it? Unfortunately for the business community the answer was obvious -- collections would be made by private collections agencies that charge 40 to 50 percent of the value of the amount they recover.

Strangely though, after the stiff new law was enacted, many businessmen were displeased that the law was not strictly enforced. Shortly after its passage, a spokesman for Penney's Department Store in Columbia complained, "I am dreadfully disappointed that seemingly in Richland County the new law has not been implemented -- I am very frustrated by this. We've been working to get this law passed for ten years and it finally passed -- but the magistrates seem to be still charging a $10 fine plus the cost (restitution) of the check."

It was not long after these com plaints were voiced that Richland County magistrates began more strictly enforcing the law. Local newspapers carried stories under headlines such as, "Bad Check Writers To Be Jailed," "Bum Check Writers Beware," "Crackdown On Bad Check Artists Planned Here." And the stories beneath were even more revealing. A story that appeared in the June 8, 1971, issue of **The State** had the current head of the Richland County Check Clearing House, Ken Love, saying, "If someone is planning to write bad checks, he'd better stay out of Richland County." Love went on to say that mass arrests were being planned, and that if the bad check writer didn't respond to the first summons, "the second step will be to have them taken to the county jail in handcuffs."

The Richland County Check Clearing House is a special court, much like a small claims court, that is mandated by law to handle bad checks from anywhere in the Columbia area. Although as a rule the check would be taken to the magistrate in the district where it was presented for payment, the complainant can choose to present the check to the magistrate in charge of the clearing house instead. There are three check clearing houses in South Carolina: one each in Richland, Lexington and Greenville Counties. They were begun to offset the large volume of bad check traffic in metropolitan areas.

In another newspaper article earlier that year, Richland County Sheriff Frank Powell said his office was going to stop collecting on bad checks, and was going to start putting the "bums" in jail. Powell said at the time that he had decided that the law gave him no authority to collect on bad checks.

The press on bad check writers continued. Another local story reported how a "lightning-like" mass arrest raid netted 19 bad check writers in a four hour period between 8 p.m. and midnight. Jim Anasti, a constable under Richland County magistrate Michael Davis, told reporters at the time that the raid "went real well. This is going to be standard from now on," the constable added. "We arrested one guy, and on the way in snatched up another fella fixing his car."

Yet Columbia City Magistrate Ken Love mounted the most decisive campaign against accused bad check writers. During his first five months in office he amassed incredible statistics -- 250 persons jailed and more than $100,000 collected.

Love also introduced the concept of fingerprinting and photographing bad check offenders prior to their hearing or conviction -- a threat which was posted on many cash registers throughout the Columbia area. This meant that those arrested and convicted would have a permanent criminal record, and Love proposed to hand these records over to the FBI and SLED for input into the criminal computer system for nationwide distribution.

But Love's successes were not achieved without problems of legality and ethics. On May 21, 1973, then-Governor John West served a show cause order against Love, meaning Love had to "show cause" why he should not be removed from office for alleged abuse of

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power. West charged Love with 18 separate violations of office, including some related to improper enforcement of the bad check law. It seems the Columbia magistrate had been putting people in jail without due process, meaning without a hearing.

The charges against Ken Love resulted in the Governor removing him from office. But Love had not finished his bout with the law. Months later, after he had moved to the bail bondsman business, he was charged and eventually convicted of attempting to bribe two Columbia policemen. But before he went to jail, Love grabbed the limelight with charges that removal from his magisterial position and later conviction on attempted bribery was a politically motivated frame-up carried out by just about everyone from the Governor to Richland County Sheriff Frank Powell.

After Love's dismissal from office, Governor John West appointed Columbia attorney Franchot A. Brown in July, 1973, to fill the void, which he has apparently done. Since this January Brown's office has taken in 952 bad checks and out of these, merchants have had their losses recovered in 560 cases.

It's been estimated the average bad check in Columbia is written for about $42, and a rough mathematical calculation using that figure shows that Brown has probably succeeded in collecting over $20,000 in just less than two months, which would average out to just a little less than $500 per day.

Thus, it seems apparent that Richland County is in the check collections business. But is this legal? In June of last year South Carolina's magistrates received official instructions concerning enforcement of the bad check law. A manual written by two members of the Judicial Education branch of the South Carolina Supreme Court, Neal Forney and W. McAlister Hill, clearly states that magistrates and complainants (usually businessmen who have received bad checks) are not to use the office of the magistrate to collect debts. States the booklet, "The magistrate's court is not a collection agency. A list of these firms can be found in the yellow pages of the telephone book."

As if adding teeth to this requirement, the manual further says, "If a complainant uses a warrant in an attempt to collect debts rather than to punish a person who has written a fraudulent check or stopped payment on a check with intent to defraud, the complainant and the magistrate could be sued for abuse of process, and the magistrate could be dismissed from office and fined or imprisoned."

However, when Magistrate Brown was questioned about the manual's requirements he at first scoffed, saying, "That (pink) book was written for the entire state, not for Richland County." Then acknowledging the conflict between his court's policies and the law, Brown said, "Yes, it does conflict with the law. But this is the way we handle it in Richland County. It's a convenience to the defendant, the merchant and the magistrate.

Brown told **Osceola** that about 98 percent of the bad checks that come into his office result in the bad check writer paying back the businessman through his office; or, in other words, 98 percent collection. When Brown was asked if he considered his court to be a collection agency for bad checks, he said, "No, I do not. But I must admit it is more on the check collection side. We do more collecting than arresting."

However, Columbia Magistrate Franchot Brown is not the only magistrate handling bad checks in this manner. Various sources and knowledgeable observers of the South Carolina scene agree that the practice is not uncommon throughout the state. One local attorney, who did not wish to be named, said South Carolina is "the most inhumane state on bad checks that I've seen, and I've worked in three states."

Certainly one of the most inhumane aspects occurs in the enforcement of the law. Two constables working for Franchot Brown told one victim of the law that they did most of their collections at night. In fact, one said his working hours were from 10 at night until 5 in the morning. Asked how people could come up with cash at such strange hours, the constable said, "You'd be surprised how many people can come up with the money when they're faced with going to jail."

> One local attorney said, "It's a racket, a damn racket. It won't change until they try to collect on the wrong guy —someone with power and money."

The constables who carry out this function are normally paid by commission out of the magistrate's fees, plus salary if they are full-time agents. The amount reaped by Richland County constables apparently varies. But one local magistrate, who did not wish to be named, said his officers make $2.50 per collection, and that some others make as much as $4 per check.

Another element of the enforcement that bothers victims is that often they are not notified until the middle of the night when they are faced with immediate arrest. Magistrate Franchot Brown told **Osceola** that his office always sends a courtesy notification -- which, in effect, serves as the summons telling the person to appear at the magistrate's office within five days. Brown further said his constables contact the bad check writer by phone after the letter is sent. However, **Osceola** has talked with individuals who said that absolutely no warning was given.

The amount charged by the magistrate as a "magistrate's fee" or "collection fee" is another aspect of bad check collection in Richland County. With certain counties and specific magistrates excepted by the law, the general rule is that magistrates may collect $10 plus mileage. The mileage is to cover any cost incurred in driving to someone's home to collect a check. However, Brown acknowledged to **Osceola** that he charges $15 plus mileage. In practice this figure converts to $20 when his constables collect at a person's home.

There have been past abuses of these fees. In March of 1971 it was revealed that six magistrates in Lexington County were overcharging on collection fees. At that time the law allowed them only a $2 fee plus mileage and they were charging $10 in some cases. The magistrates in Lexington were only warned to charge the proper fee until their senator could "make the practice legal."

But the most interesting aspect of these charges is that a collection fee is only allowed in cases where collection of the check is made. According to the Forney-Hill interpretation, "...magistrates may, when prosecution of cases of violation of (the bad check law) are discontinued, by settlement or compromise, charge and receive from the defendant fees which shall be in addition to their salaries." In other words, if the defendant is prosecuted rather than simply repaying the bad check, the magistrate concerned cannot charge any fee, and thus he does not profit from the case.

This factor coincides with the wishes of businessmen who would, in most cases, rather see the case settled "out of court" than in court. They get their money from the bad check, the magistrate gets his fee, and the defendant stays out of jail. The only problem is that the law apparently wasn't written with this in mind. Among other things, this means the magistrates are getting rich off bad check collections -- up to $35,000 a year in some cases -- and the businessmen are having their bad checks collected at tax payers' expense.

The pressure from the business community is verified by what one magistrate described as "merchants continually on my back." He went on to say that "they want that money, they don't want prosecution." And Columbia magistrate Franchot Brown said recently, "I've got some furniture people uptown who hate my guts. Yes, we certainly have a degree of pressure."

There has been a movement afoot in recent years to revamp the magistrate system in South Carolina because of its obvious abuses, but so far this movement has been brought to a virtual standstill. And according to some local attorneys, who are aware of the bad check law abuses, the system isn't going to change too soon. Said one, "It's a racket, a damn racket. It won't change until they try to collect on the wrong guy -- someone with power and money."

A lawyer with the South Carolina Civil Liberties Union in Columbia, referring to the check collecting system as carried out by local magistrates, said, "The whole system is so top-heavy with abuse that there's no relationship between what the law says and what's actually happening." ●

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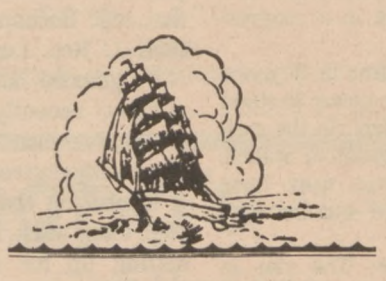

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TRB FROM WASHINGTON

Jerry in Wonderland

President Ford went before a joint session of Congress five months ago and asked a five billion dollar tax hike. It seems unbelievable today that in the face of a gathering recession a President would ask for higher taxes. Of course he read the barometer wrong.

One week later (Oct. 15) he went to Kansas City and announced that he had asked every governor "to form WIN committees" at all levels "to help him lick inflation." "A great citizens' mobilization is beginning to roll," he said. Let's reduce waste: "Clean up your plate before you get up from the table."

Later the administration tried to cut back food stamps, possibly with the thought that with less food on the plate it would be easier to clean it up.

We doubt if any President has ever got so demonstrably bad economic advice that has been exposed as such in so short a time. Poor old Herbert Hoover was his own economist and dug his own pit; Gerald Ford, somehow, still seems like innocent Alice, surrounded by Red Queens, Tweedledums and Mad Hatters in an economic Wonderland.

On NBC's "Meet the Press" recently, the irrepressible Peter Lisagor of the **Chicago Daily News** asked Donald Rumsfeld, the President's chief of staff, "Does the President still retain full confidence in his economic advisers?" Taken aback, Rumsfeld answered "Yes," and Lisagor replied with a monosyllable that seemed more like an editorial comment than a query, "Why?"

There was some hope that Mr. Ford would shake loose from his one-track advisers when he called his mini-summit conference last September. He presided over it in the red-carpeted grand ballroom of the Washington Hilton Hotel, so vast that the reporters used closed-circuit TV sets to see the speakers. To the President's credit he exposed himself to some economic critics. But their message didn't get through.

"Five million workers are already without jobs," warned Speaker Carl Albert (it is 7.5 million today); the summit conference "has had little congressional input," he complained, and the Democratic majority in Congress rejects "the old time religion, tight money, fiscal stringency and cutbacks in social programs." Sen. Mike Mansfield followed this up -- about the summit conference he said: "I must state in all candor that I am not too optimistic about the results," not with all the talk about "tight money" and a "tight budget." The White House never heard them, however; for it, there was just one dragon, "Public Enemy Number One -- Inflation."

Rumsfeld defends the advice Mr. Ford is getting. "Now have these economic advisers proven wrong at this point?" he asked rhetorically on television. "No, they have not," he answered himself. "The President had an economic summit meeting. He took the centerpiece of that advice. The circumstances in the economy shifted and there was a rather dramatic dropoff. But it was not predicted, not...by the best brains in the country."

This is just nonsense. It is particularly discouraging because if any President ever was made a fool of by the group of pundits around him it is Mr. Ford. They are bemired in tepid orthodoxy. For contrast **Time** magazine has a stable of economists that it consults periodically, and it presented their findings in its predated issue of October 21 not long after the President addressed the joint session, October 8.

"All but one of the nine board members agreed without doubt that the nation is in a recession," **Time** said, "with little hope of recovery before late next year." (Holdout Beryl Sprinkel of Harris Trust & Savings Bank, Chicago, thought the recession hadn't quite arrived but would come in 1975.) They wanted strong counteraction.

It is dangerous when a President is insulated from reality, or seems to be, for it casts doubt on his judgment all down the line. Mr. Ford is open, well meaning and tries hard. The nation loses when he looks silly.

Treasury Secretary William Simon is close to Mr. Ford. Simon declared, October 24, that inflation, not recession, was the economic threat and that stimulants "would intensify rather than solve our problems." The proposed $15 billion surtax, he said, was "the supreme test of our will to fight inflation." Mr. Ford, of course, has long since abandoned his surtax and wants a $16 billion tax cut. Simon is still around; still giving advice.

What with the President's constant attacks on Congress, and his own diminished prestige, the danger is that Congress will say, "To hell with it," and really start to cut taxes. As a matter of fact Leon Keyserling, who headed Truman's Council of Economic Advisers with considerable success, from 1950 to 1953, recommends federal stimulus of about $40 billion. Hubert Humphrey last week proposed $30 billion. Such sums are large; one gropes for parallels. In 1964, with unemployment at 5.2 percent, Congress passed a tax cut that was two percent of that year's gross national product. With unemployment at 8.2 percent and output enormously expanded today ($1.5 trillion) the Humphrey tax cut would be only 2.1 percent of the total U.S. production, about the 1964 ratio.

Note: Last week we noted the near completion on Pennsylvania Avenue (Washington, D.C.) of the big new FBI structure tentatively named for J. Edgar Hoover. It is the largest building on America's "ceremonial mile" between White House and Capitol. After four years of construction it is coming along nicely for dedication during the Bicentennial. It will take its place with the "Monument" and the "Memorial" among Washington's famous named structures. According to retired FBI agents, quoted last week by Nicholas Horrock of the **N.Y. Times**, Hoover had "unsavory" tape recordings from an electronic room bug of FBI-critic Martin Luther King, Jr., sent anonymously to Coretta King as part of a five-year FBI harassment program. The Kings listened to the tape and decided there was nothing discreditable in it. The Nobel prize winner was assassinated in 1968. If the building really is dedicated to J. Edgar Hoover, one wonders what it will say after dark to the Jefferson Memorial?

WEEKLY SPECIAL

Production, Not Prices, Cut

by Jack Anderson
with Joe Spear

WASHINGTON — The economic pinch has caused consumers to cut down on consumption. Under normal market conditions, this should bring down prices. But it doesn't seem to be working that way. Many major industries are reducing production rather than prices.

Despite declining demand, prices aren't coming down for aluminum, cans, steel, tires and certain industrial chemicals. This helps to keep prices high for all industrial goods.

Most of the profits reaped from the high prices, furthermore, go straight into the pockets of the middlemen.

An Agriculture Department study reveals, for example, that the middle men add about 52 cents to the price of every piece of choice meat. Back in 1971, the middle men got only 35 cents.

A congressional investigation has also concluded that higher profit margins, not higher costs, have pushed the prices up. Most of the increased profit is going to the supermarket chain stores. The congressional sleuths have already turned up evidence of meat price-fixing among the major chains.

High-priced food and consumer goods are not only depleting the housewife's budget, they are also hurting the poor.

Confidential figures show, for example, that 18.5 million Americans are now on food stamps. Of these, 4.5 million have joined the rolls just since last July, when the nation first began to feel the economic pinch. Food stamps now cost the taxpayers about $400 million a year.

Staggering Stockpile: Despite the negotiations with Russia to limit arms, the U.S. nuclear stockpile is proliferating wildly. We are accumulating nuclear weapons so rapidly, in fact, that Congress is thinking of limiting production by legislation.

Figures compiled by the Center for Defense Information show some 30,000 nuclear weapons in the U.S. stockpile. The most deadly are 8,000 "strategic" bombs.

These can be attached to missiles, carried on submarines and flown in bombers. New "strategic" bombs, meanwhile, are being produced at the rate of three a day.

The remaining 22,000 atomic weapons are "tactical" nukes. Half of them are spread around the world, both on land and sea. There are about 7,000 tactical nukes, for example, in Europe alone — including countries that are turning increasingly anti-American such as Greece, Turkey, Spain and Portugal.

Some members of Congress are worried over the frightening growth of the nuclear stockpile. South Dakota's Sen. James Abourezk, for example, has told us he may introduce a bill that would limit production and call for the withdrawal of our nuclear weapons from Europe.

Reform Problems: There has been quiet grumbling in the cloakrooms of Congress about the new reforms adopted earlier this year.

The biggest problem is the huge increase in staff provided under the House reform. Some senior lawmakers are now complaining that the extra staff may be a mixed blessing.

Each subcommittee may hire at least two more staff members. Committee payrolls and offices, therefore, are being stretched to the breaking point. In fact, Congress has already agreed to spend an extra $17.5 million for additional office parking space.

On the Senate side, the problems are a little different. Each senator receives several "positions" for staffers on various subcommittees. And now they are being asked to demonstrate that those staffers are actually doing committee work. Sen. Ted Kennedy, for example, was challenged about the use of his subcommittee staffs.

Office space in the Senate is also at a premium. In fact, several aides to Pennsylvania's Sen. Richard Schweiker are doing their work in a congressional hallway.

For the first time in 40 years, Congress has the power to stand up to the President. In the rush to reform the legislative branch, however, Congress may have wound up more cumbersome than ever.

Crime Wave: The rise in unemployment, prices and drug use has caused a new crime wave. The number of burglaries nationwide has dramatically increased since the recession settled in.

The newest development is the rise in first offenders — law-abiding citizens who turn to crime in desperation. There is the poignant case of the unemployed Tennessee carpenter, for example, who robbed $84 from a small grocery store. He spent the stolen cash at another store on food for his family.

Somnolent Senator: Sen. John Sparkman, D.-Ala., chairman of the Senate Foreign Relations Committee, is going to have to wake up if he ever hopes to match the reputation of his predecessor, former Sen. William Fulbright. Sparkman, it seems, has a habit of dozing during testimony. And recently he flabbergasted a prominent Washington journalist by nodding off into dreamland during a luncheon interview.

Washington Whirl: Prison officials are having fits over a new drug similar to LSD which is being smuggled into penal institutions as a dot in a typed letter. Inmates swallow the dot, paper and all .... Former Nixon speech writer and press critic Patrick Buchanan has begun writing a newspaper column. When he set up shop in the Newhouse newspaper chain offices in Washington, several veteran journalists had to be displaced to create a working space that met Buchanan's specifications .... Rep. Lester Wolff, D.-N.Y., glanced out of his office window recently and saw a group of men on his balcony fiddling with electronic equipment. It turned out that his neighbor Rep. Patsy Mink, D.-Hawaii, was setting up for a microwave broadcast to her Pacific constituency .... If congressional investigators dig far enough into the CIA's alleged role in the assassination of Dominican dictator Rafael Trujillo, they'll find that he contributed a bundle to the campaigns of prominent congressmen and senators.

United Feature Syndicate

Music

Marshall Tucker Band comes on strong

MARSHALL TUCKER BAND
(In Concert)
at Township Auditorium
March 15, 1975

The sometimes subtle variations in energy evidenced by different sorts of bands are a source of constant fascination to me, and at concerts I am often as aware of the type of energy produced and its exchange between band and audience as I am of the technical quality of the music. The intensity of both was unmistakable Saturday night; there was nothing subtle about the Marshall Tucker Band's Township concert.

The majority of the primarily teenaged crowd came to boogie, and Marshall Tucker was more than ready for them. The opening act, local band St. Vitus Dance (formerly Brother), warmed things up with a competent set highlighted only by some nice guitar work by the two leads. When Marshall Tucker came on, they started off strong and didn't let up until their first of three encores, at which point they temporarily switched to a more laid-back, bluesy sound with "Everyday, I Sing The Blues." Even that was prevented from being too eased down by Toy Caldwell's scorching guitar. The other encores included an electric "Will the Circle be Unbroken" and, good as he is, some interminable solos from Toy.

Marshall Tucker: no energy crisis here...

The band performed songs almost exclusively from their first and third albums. Live, I found it easier to overlook Toy's largely forgettable lyrics and to concentrate on the music; also, the pace they kept up seemed about twice that on the albums, particularly on an incredible version of "Ramblin'." Toy's lead especially and Jerry Eubanks' flute and sax did a lot of shining, with Tom Caldwell providing an exciting, driving bass; he soloed only briefly on "24 Hours at a Time." The crowd favorite of the evening was "Take the Highway," probably Marshall Tucker's best known song.

Not surprisingly, the band was heavy on the amplification, a little too much so for my taste. I spent a lot of time standing on my chair, to see over all those waving arms and waggling heads, and more than once I was so unbalanced by an especially penetrating high note from one of the treble leads that I nearly toppled from my perch. Lead singer Doug Gray produced some great screams; I thought his voice appropriate and professional, but unexceptional.

For sure, a good time was had by all, band and audience. They took each other higher and higher, shades of J. Geils and ZZ Top; a few homey comments from Marshall Tucker intensified the rapport, and it was a satiated bunch of people that swarmed out of the auditorium at the evening's end.

Barbara Ballinger

CORRECTIONS

We were informed, after our Cheap Shot entitled "The Great SCE&G Legal Fee Sweepstakes" was printed in the last issue, that Lieutenent Governor W. Brantley Harvey Jr. was incorrectly listed as having received fees from the South Carolina Electric and Gas Company from August 1973 to August 1974. The lieutenant governor's father, W. Brantley Harvey, received $1,414.95 from SCE&G during that time as an annual retainer, but the younger Harvey didn't receive any fees himself during the period in question. Both Harveys are in the same law firm, but the elder Harvey's retainer from SCE&G was not funneled through the firm, we were assured by the lieutenant governor's office.

We had a bad week last week. The headline on another story, entitled "Palmetto poet expands to a larger world," was inaccurate, because the poet, Michael Sheridan, is not from South Carolina -- he's from the Midwest.

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EVENTS & ENTERTAINMENT

cinema

ATLANTIC I THEATRE, 3220 Two Notch Road, 786-0790

"Sheba, Baby" stars black movie queen Pam Grier, rated PG. Shows at 3:30, 5:15, 7:40 and 9:25.

ATLANTIC II THEATRE, 3220 Two Notch Road, 786-0790

"Private Afternoons of Pamela Mann" and "The Last Shot," both X. Complete shows at 3:30 and 8:30.

CAROLINA THEATRE, 1223 Main Street, 252-8011

"Sheba, Baby" again. 1, 3, 5, 7 and 9.

CINE-ART THEATRE, 1017 Washington Street, 779-3039

"The Climax of Blue Power" and "Sticky Situation" certainly have suggestive titles anyway. X is the rating for both and continuous shows start at 1 p.m.

DUTCH SQUARE SOUTH THEATRE, Dutch Square Mall, 789-1110

"Escape to Witch Mountain." Ray Milland and Eddy Albert are the featured stars. Disney films seem to have almost cornered Columbia's G market. The times are 1:45, 4, 6:15 and 8:30.

DUTCH SQUARE NORTH THEATRE, Dutch Square Mall, 789-1110

"The Great Waldo Pepper" is almost insufferably cutesy, but it's reasonably well-made entertainment, especially for parents who want to take the kids. It's about daredevil barnstormers in the 20's. For movie producers, Robert Redford is, of course, better than money in the bank. 1, 3, 5, 7 and 9.

FOX THEATRE, 1607 Main Street, 254-5212

"Lenny" has hard-working Dustin Hoffman, fine newcomer Valerie Perrine, slick direction by Bob Fosse, and seemingly little to do with the real Lenny Bruce. It's enjoyable on a certain level, but ultimately the boyish Hoffman using Bruce's "obscenities" doesn't make much sense. Rated R with shows at 1, 3, 5, 7 and 9.

GAMECOCK I THEATRE, Parkland Plaza Shopping Center, 796-0022.

"Executive Action." When it first came out over a year ago, this dramatization of the conspiracy theories of the Kennedy assassination looked like sensation mongering, but it's beginning to seem all too real. It's still not a very good picture. With Burt Lancaster and the late Robert Ryan. PG. 1, 2 40, 4:20, 6, 7:40 and 9:20.

GAMECOCK II THEATRE, Parkland Plaza Shopping Center, 796-0022.

"Towering Inferno" remains as the longest run in town. This is probably the best of the "disaster" movies, although that's not saying a lot. Nominated for Best Picture (read Most Expensive) and Fred Astaire the sentimental favorite for Supporting Actor (drop your popcorn and you'll have missed him). PG with shows at 3, 6 and 9.

JEFFERSON SQUARE THEATRE, Jefferson Square, Downtown, 254-6731

"At Long Last Love." The new Bogdanovich film is a musical with Burt Reynolds and Cybill Shepherd singing and dancing to the songs of Cole Porter. We've heard only bad things about it, but you may want to find out for yourself. Starts Friday (March 21) with shows at 1, 3, 5, 7 and 9. G rating.

MIRACLE THEATRE, 1228 Main Street, 256-1950

"Young Frankenstein" has Gene Wilder, Marty Feldman and assorted other crazies in a gloriously silly send-up of the Frankenstein legend. Many of us who saw Brooks' "Blazing Saddles" didn't know he had it in him. Co-scripted by Wilder. PG. Times are 1, 3:05, 5:10, 7:15 and 9:25.

PALMETTO THEATRE, 1417 Main Street, 254-5800

"Alice Doesn't Live Here Any More" has been held another week, but it may not last so don't put off going.

Fast moving direction by Martin Scorsese and a funny, smart-talking performance by Ellen Burstyn (Best Actress nominee). Rated PG and shows are at 3, 5, 7 and 9.

PLAZA III THEATRE, 1323 Main Street, 254-7960

"Framed." Joe Don Baker and the crew from "Walking Tall." R. 1, 3, 5, 7 and 9.

RICHLAND MALL I THEATRE, Richland Mall, 782-2228

"Murder on the Orient Express." A campy good time with a vintage Agatha Christie story, more than a dozen top movie names, and a beautiful luxury train traveling from Asia to Europe during the 30's. See it at 7:10 and 9:20. Monday through Thursday with 2:50 and 5 p.m. matinees on the weekend.

RICHLAND MALL II THEATRE, Richland Mall, 782-2228

"Escape to Witch Mountain" is here also. 1:45, 4, 6:15, and 8:30.

music

The USC Concert Choir will present an Easter season concert on Sunday, March 30, at Washington Street Methodist Church. The concert will feature Rossini's "Stabat Mater," and the guest soloists will be Beverly Hay, soprano; Evelyn McGarrity, alto; Harry Cardwell, tenor; and Richard Conant, bass-baritone, all members of the USC music faculty. The performance will be open to the public and is scheduled to begin at 4 p.m.

John Denver's April 9 concert at Carolina Coliseum isn't sold out yet, but only $5 tickets are still available. Contact the box office or any Coliseum ticket outlet. The Coliseum has also scheduled the Carpenters for April 20, with tickets available at $6.50 and $5.50.

Pictured is Rosetta Averill, featured performer at the Columbia Museum of Art's 25th aniversary gala this weekend. Averill is a former Columbian who has become successful as a New York City night club entertainer, and she will appear at a Cabaret style festival that begins Saturday night (March 22) at 8 p.m. at the Museum. Also performing will be Chris Tee, another former Columbian who has moved on to the Big Apple; a six-piece band, and an ensemble of cabaret dancers. It's for members only, but obviously the museum has no objection to new membership applications. The weekend's other activities include an "English Tea" on Sunday, March 23, from 2 p.m. to 6 p.m. which is open to the public.

theatre

Auditions for the USC Repertory Theatre, a recently announced summer theatre program, will be held March 23 at 10 a.m. in Drayton Hall. The repertory company will present shows during the months of June and July at the University's Drayton Hall Theatre. The scheduled plays include "The Hot L Baltimore," "Charley's Aunt," and "Picnic," and rehearsals will begin May 25 for the first show to be presented June 16. The company will consist of ten actors, five technicians, and a stage manager. The average weekly salary for rehearsals and performances will be $100. Company members must furnish their own room and board and will be expected to register for six credits of a performance and rehearsal class at USC during the first summer term. Anyone interested in more information should contact Dr. Patti Gillespie by writing the Department of Theatre and Speech or call 777-4288.

Workshop Theatre will present "Winnie the Pooh" beginning April 1 and running through the 13th. The play is a children's production based on the A.A. Milne stories and will be performed nightly at 8 p.m. and at 3 p.m. matinees on Saturday and Sunday. Tickets can be purchased starting March 24 for $2 each.

art

Columbia Museum of Art is celebrating its twenty-fifth aniversary with two gala exhibits. "American Painting Survey" is presented in conjunction with New York's Coe Kerr Gallery and includes works by a number of American painters including Winslow Homer, Frederic Remington, and Andrew and James Wyeth. "Survey of S.C. Silver and Silversmiths" assembles works by native craftsmen from both industrial and private collections. Both shows begin March 22 and continue through April 20.

Graphics 74/Spain which includes the graphics work of a wide range of modern Spanish artists such as Joan Miro and Eduardo Chilada, will continue at the Columbia Museum through April 6.

specials

The Midland Natural Growers Association will hold its March meeting on the 24th at 7:30 p.m. in the meeting room of the South Carolina Electric and Gas Building on Lady and Marion Streets. Individual members will discuss methods used to achieve success with specific vegetables.

Arthur Goldberg, former Supreme Court Justice, will speak at Clemson University on March 25 at 8 p.m. The talk will be at Tillman Hall auditorium and is open to the public without charge

(Continued on page seven)

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Cinema

Alice learns to live without a man

Alice Doesn't Live Here Any More At the Palmetto Theatre

"I don't know how to live without a man," says Alice at the climax of **Alice Doesn't Live Here Any More**, and her cry is a statement of what this movie is all about. Until recently, the new feminist consciousness found its sole film exponent in Jane Fonda, whose fine performances in **Klute** and **A Doll's House** also seemed like position papers in the struggle of sexual politics. **Alice** is the first full scale studio effort to grow specifically out of the new attitudes, but it isn't a tract because director Martin Scorsese and writer Robert Getchell have decided to deal with the human problems of liberation rather than the rhetoric. In Ellen Burstyn's performance, Alice is a funny, likable, smart-talking portrayal of a group of women who find that they can't live with the opposite sex and can't live without them.

Actually, **Alice** somewhat skirts the toughest lib issues, because Alice's independence occurs through accident rather than choice. At the beginning of the movie she is shown as a 35-year-old housewife living in a bleak, New Mexican suburb with a twelve-year-old son (Alfred Lutter) and a sick-tempered tyrant of a husband (Billy Green Bush). She gets only misery and neglect at home, but her problems aren't ended until her husband dies in a truck crash. Penniless, Alice recommences an aborted singing career and with her son takes off for Monterey, California, the home of her youth.

The movie quickly establishes this situation, and the bulk of the action consists of comic adventures on the road and Alice's somewhat humiliating attempts to make enough money to move on (why she doesn't just keep going is never made clear and must simply be accepted). She ends up in Tucson working as a waitress, and there meets the man of her dreams -- a local rancher played by Kris Kristofferson -- who after some conflict willingly takes Alice the only way he can have her -- with her own career aspirations and identity.

Torn from the pages of **Ms.** magazine? Not really, and I've emphasized the ideological elements that are actually underlying the action rather than on the surface. In fact, one of the beauties of this film is that it is so thoroughly enjoyable as a story beyond any reference to the issues. Getchell's script moves in the early scenes with jackrabbit speed, and he fills Alice's lines with some nonsequitur profanity that is kinky contrast to her rather timid personality (and the surprise value of which makes the lines seem wittier on first hearing than in retrospect). Later when her son mimics this idiom, she innocently observes her suitor, "I just don't know where he gets that language."

Director Scorsese complements the dialogue with a visual style of blackouts and brief cuts so that each scene makes its point and does not linger. And Scorsese (apparently) has brought to the movie a cinematic eclecticism that is as much a reaction to traditional movie views of women as to current attitudes. In a juicy bit of satire at the opening, he has throaty Alice Faye singing under the credits and we discover pigtailed Alice in an idyllic studio exterior of a Monterey farm house with blazing Gone With the Wind sunset in the background (a scene that was, incidentally, shot with one of the old three strip Technicolor cameras).

Scorsese, who debuted with his last film, **Mean Streets**, shows facility for intimate or crowd scenes, and he is obviously a director worth watching. In the final sequences at the Tucson diner (a seedy dump called Mel and Ruby's) he approaches a kind of Altmanesque orchestration of comic chaos -- with clamoring customers, flurried waitresses, a badgering cook, and one of the waitresses (Diane Ladd, who has been Oscar nominated for her performance) finally venting her frustration by splattering ketchup over her table full of diners.

Ultimately, of course, **Alice** is a one woman show and the key to its strengths and weaknesses is Ellen Burstyn's performance. Burstyn is certainly a capable actress, and in her brief appearences in such films as **The Last Picture Show** and **Harry and Tonto** she has given vivid character vignettes. Her work in **The Exorcist** was the only thing in that contemptible film worth watching, although obviously the enormous success of the movie was what gave her this rare (in today's market) opportunity for a major female role. She has seized the chance, and brings to her part a very real anger and sympathy for women on their own that judging from magazine reports stems from her own career frustrations. With the amazingly precocious Alfred Lutter (whose preternatural knowledgeableness is another one of the film's ripe comic ideas) she establishes a highly believable relationship and a verbal interplay that zings even when the lines are second rate. "How did I get such a smart-ass kid?" she asks. "You got pregnant," replies Lutter without missing a beat.

However, Burstyn's work starts to slack up toward the end of the picture, and it's obvious that she hasn't yet developed the range and more importantly the strong screen presence necessary for such a marathon part. When she starts crying, for example, it's funny and touching at first, but after the fifth repetition I decided she had turned on the juice a couple of times too often. Indeed, the whole movie seems to go flabby at the end -- perhaps because of Kristofferson's misconceived presence as an **ex machina** dream-boat. As an actor, Kristofferson is very easy to take and he brings a kind of bluff masculinity to his films, but that's all he brings and he suggests little method in the end as to how he will become partner to Alice's raised consciousness.

It's finally love that conquers in **Alice**, and in this context it is something of a cop-out; maybe even a falsity. At first the movie satirizes Hollywood hokum, but the final public reconciliation scene could have understudied Doris Day and Rock Hudson. **Alice** never really answers how a woman can live without a man or what those women should do who aren't lucky enough to have such an understanding and tolerant Mr. Right walk into their lives. By suddenly shifting gears into romantic comedy, the film seems to make light of the important issues that it raises.

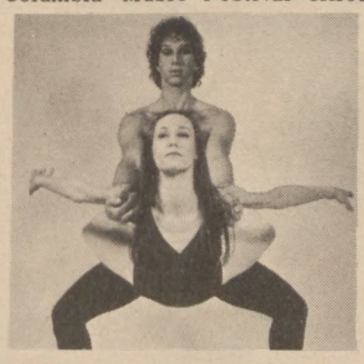
This is not a major flaw, and one can't really blame the filmmakers for finally sidestepping what is obviously a very difficult and controversial problem. TV's **Rhoda** has taken to so timidly treading the egg shells between liberation and romantic fulfillment that it's become the biggest nonevent of the video week. And judging from the emotional reactions to the ERA reported in these pages several weeks ago, if the movie had taken a strong stand on the issues certain matronly Amazons might have bombed the theater. What **Alice** does do for women is blaze the way for female film roles that require more than fashion models to fill them. No one's asking for another Tracy and Hepburn, but maybe in the future when Robert Redford stares into a pair of baby blue eyes they won't be Paul Newman's.

Venson Steadman

Events

(Continued from page six)

The Columbia City Ballet performs its annual Spring Gala at Dreher Auditorium March 21 through 23. The program features the work of S.C. choreographers and will include both modern dance and traditional ballet selections. Performance times are 8 p.m. on March 21 and 22 with matinees at 3 p.m. on the 22nd and 23rd. Tickets are $3 adults, $1.50 students, and may be obtained at the Columbia Music Festival office.



Lou Martin, Columbia City Ballet's prima ballerina, shown in "Encounter" from Spring Gala. with Jeffrey Judson.

television

Sunday, March 23

6 p.m. - 60 Minutes is replaced this week by part I of the controversial CBS interview with H.R. Haldeman -- controversial because CBS reportedly paid more than $25,000 for this "memoir." Mike Wallace is the interviewer and included are home movies by Haldeman of the workings of the Nixon White House. (Channel 19)

Friday, March 28

9 p.m. - Movie. "The Greatest Story Ever Told," Part I is a 1965 Biblical spectacular that is still playing S.C. theaters and is here available in a TV repeat. In retrospect, the casting is even funnier with Telly Savalas as Pilate and David McCallum as Judas, although Max von Sydow seems appropriate as Jesus. (Channel 10)

kids

The Easter Bunny will be making a personal appearance at Sesque State Park on March 29 from 11 a.m. to 1 p.m. He will leave eggs and prizes for all children, with carnival activities and novelty races scheduled. The event is free to children from Richland County and surrounding areas, and parents can obtain more information by calling 754-5111.

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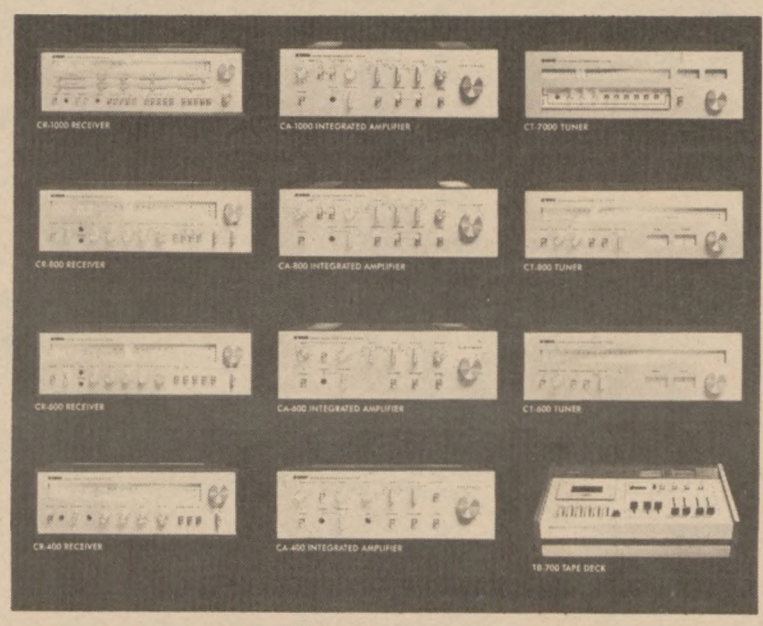

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